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SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1941

No. 559

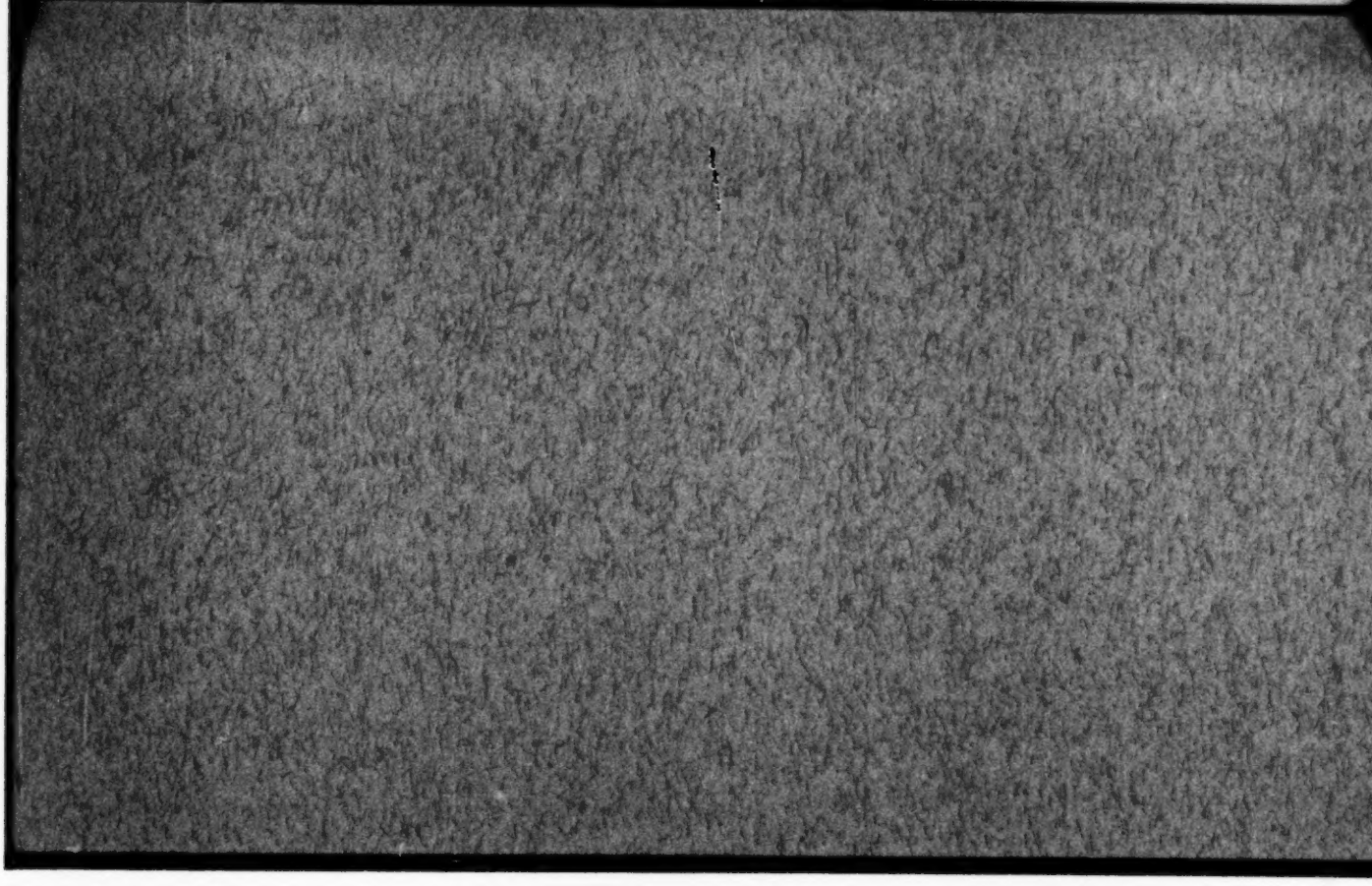
L. R. POWELL, JR., AND HENRY W. ANDERSON, RECEIVERS OF SEABOARD AIR LINE RAILWAY COMPANY, AND SEABOARD AIR LINE RAILWAY COMPANY,
Petitioners,

vs.

JOHN GRANT LAUGHTER.

REPLY BRIEF OF PETITIONERS

MURRAY ALLEN,
Counsel for Petitioners.



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The position of the petitioners on this petition for a writ of certiorari is fully discussed in the principal brief, and this reply brief is for the purpose of calling the Court's attention to the following statement appearing on page 5 of respondent's brief:

> "Yet the record is replete with admissions from the lips of the petitioner company's witness, T. A. Norris, Trainmaster for petitioner company, that the petitioner company had abrogated this very rule with respect to the employment of minors as is fully borne out by the testimony set forth on pages 45, 46, 47 and 48 of the Record."

An examination of the testimony on the pages of the record referred to will show that the statement that the rule against the employment of minors in train service had been abrogated by the petitioners is not correct. The same contention was

made when this case was presented to the Supreme Court of North Carolina and it is ignored in the opinion of that Court.

Petitioners' witness, T. A. Norris, Trainmaster, was questioned with respect to three parties in an effort to show the abrogation of the rule—Mr. Buck Duke, Jr., a Mr. Currin and a Mr. Pridgen. (Rec., pp. 45, 46, 47 and 48.)

With respect to Mr. Buck Duke, Jr., the witness Norris testifies on page 46 that he (Buck Duke, Jr.) stated that he was 21 years of age. He was asked: "Do you know Mr. Buck Duke, Jr., is now working for the Seaboard, and when he was employed was under 21 years of age?" He answered, "I don't know his age." There is no evidence in the record that Buck Duke, Jr., was under 21 years of age at the time of his employment.

It appears on page 46 of the record that a young man by the name of Currin was permitted to send telegrams while learning to become a telegraph operator. He was doing this without pay. The witness Norris states positively that Mr. Currin "has not been employed. He is learning and hopes to get a position some day." It is quite clear that if Currin had been employed as a telegraph operator, which is not true, this would not have been a violation of the rule against employment of minors in train service.

With respect to Mr. Pridgen, it appears on page 47 of the record that he told the witness Norris, Trainmaster, that he was 21 years of age, and there is no evidence in the record that this was not correct.

On redirect examination, the witness Norris, Trainmaster, testified: "I have nothing to do with employing telegraph operators. I have nothing to do with employing firemen, only giving them the train rule examination. They do not make application to me for any type of employment. Telegraph operators do not make application to me for employment." (Rec., p. 48.) This witness was asked: "Q. Have you ever since you have been trainmaster employed in the train service

any man or boy that you knew to be under 21 years of age? A. Not to my knowledge." (Rec., p. 48.)

We submit that the testimony referred to in respondent's brief fails to support the contention that the rule against employment of minors in train service had been abrogated. To the contrary, it appears that it has been strictly enforced.

Respectfully submitted,

MURRAY ALLEN,
Counsel for Petitioners.

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